THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20207 OF 2007

DATED:24-09-2007

BETWEEN:

Kakiraipalli Sreenivasa Murthy & 3 others.

..... PETITIONERS

AND

The Government of Andhra Pradesh,
Rep., by its District Collector,
Kadapa District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the proceedings in Ref.No.B/8/2007, dated 06-06-2007, issued by the 3rd respondent herein and also the inaction on the part of the 2nd respondent in not disposing of the stay application filed by the petitioners, as illegal and arbitrary.

3. It is the case of the petitioners that the 3rd respondent-Tahsildar, Kadapa District in Ref.No.B/8/07, dated 06-06-2007, passed orders resuming the lands in occupation of the petitioners on the ground that the said lands are the assigned lands and the petitioners have purchased and found in possession of the same in contravention of the provisions of Section 3(1) & 3(2) of the A.P.Assigned Lands (Prohibition and Transfers) Act, 1977 (for brevity, 'the Act') and in exercise of the powers conferred under Section 4(1) (a) of the Act the said lands have been resumed to the Government with immediate effect directing the MRI to take possession of the said lands.

4. It is stated that as against the said orders, petitioners filed an appeal before the 2nd respondent-Revenue Divisional Officer, Rajampet and in fact the date of hearing was also fixed on 06-08-

2007, but however, even before the appeal is being disposed of the 3rd respondent is trying to dispossess the petitioners from the said land.

5. Having regard to the facts and circumstances of the case, as the appeal filed by the petitioners is pending and in order, without expressing any opinion on the merits of the case, 2nd respondent is directed to consider and dispose of the appeal, as expeditiously as possible, without any undue delay. Pending disposal of the appeal *status quo* obtaining as on today with regard to possession shall be maintained.

6. Accordingly, Writ petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

24th September, 2007.
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